

## REMARKS

The Examiner stated that the RCE filed on July 8, 2009 did not specifically point out support for the amendments made to the claims. In supplement to the July 8th RCE, Applicant herein sets forth support for the limitations in the amended claims. Applicant also incorporates by reference the amendments to the claims and the arguments for patentability of the pending claims set forth in the RCE so that such amendments and arguments so as to avoid having to resubmit and restate such amendments and arguments in the present Amendment.

### A. Independent claim 1

Claim 1 was amended to include the limitation that the spherical or ellipsoidal body includes a top portion and a bottom portion, at least one expanded component at least partially positioned between the top and bottom portions. Support for this limitation is illustrated in Figures 1, 2, 13-18. In addition, the Specification on Page 5, lines 23-31 states:

The prosthetic implant can include two hemispherical shapes that are connected to central component which is expandable to form a stabilizer. The expandable middle portion of the prosthetic implant (e.g., a torus, a cylindrical component, etc.) can be designed to be expandable in a lateral manner at an angle (perpendicular, 0.01-89.90E, 90.01-179.99E, etc.) to the surface of the sphere-construct or in a manner that will create a circumferential edge to the expanded component.

Additional support for these limitations can be found in the description of Figures 13-18 on Page 25, line 12 to Page 26, line, 27, Pages 29, line 23 to Page 34, line 24, and original claim 25 and 26. Applicant submits that this limitation is fully supported by the originally filed Specification and Figures 1, 2, 13-18.

Claim 1 was also amended to include the limitation that at least a portion of the at least one expandable component is “designed to expand radially outwardly from said spherical or ellipsoidal

body” to at least partially form a stabilizer. Support for this limitation is illustrated in Figures 13-18.

In addition, the Specification on Page 5, line 23 to Page 6, line 23, Page 25, line 12 to Page 26, line, 27 and Pages 29, line 23 to Page 34, line 24 also provide support for this limitation. Applicant submits that this limitation is fully supported by the originally filed Specification.

Claim 1 was further amended to include the limitation that “the at least one expanded component is designed to increase in surface area and have a greater perimeter when the at least one expanded component is expanded to at least partially form said stabilizer”.

Support for this limitation is illustrated in Figures 13-18. In addition, the Specification on Page 5, line 23 to Page 6, line 23, Page 25, line 12 to Page 26, line, 27 and Pages 29, line 23 to Page 34, line 24, and original claim 53 also provide support for this limitation. Applicant submits that this limitation is fully supported by the originally filed Specification.

Claim 1 was also amended to include the limitation that the stabilizer in an expanded state has a perimeter that is greater than a perimeter of the top and bottom portions of the spherical or ellipsoidal body.

Support for this limitation is illustrated in Figures 1, 2, 13-18 and in the Specification on Page 5, line 23 to Page 6, line 23, Page 25, line 12 to Page 26, line, 27 and Pages 29, line 23 to Page 34, line 24. Applicant submits that this limitation is fully supported by the originally filed Specification.

#### **B. Claim 2**

Claim 2 was amended to include the limitation that the top and bottom portions of the substantially spherical or ellipsoidal body are substantially non-expandable and that the top and

bottom portions are designed to maintain a substantially same size and shape when the expandable component is expanded. Support for this limitation is located in the Specification on Pages 29, line 23 to Page 34, line 19. Applicant submits that this limitation is fully supported by the originally filed Specification.

**C. Claims 7-8**

Claims 7-8 were amended to include the limitation that the at least one expandable component is at least partially expandable “radially outwardly” about a central axis of the substantially spherical or ellipsoidal body. Support for this limitation is illustrated in Figures 1, 2, 13-18 and in the Specification on Page 4, line 11 to Page 6, line 23, Page 13, line 16 to Page 14, line 2, Page 23, line 9 to Page 34, line 19, original claims 14-21. Applicant submits that this limitation is fully supported by the originally filed Specification.

**D. Claim 22**

Claim 22 was amended to include the limitation that the at least one expandable component has an expanded thickness adjacent to the substantially spherical or ellipsoidal body that is different from an expanded thickness of the at least one expandable component at a location “radially” spaced from the substantially spherical or ellipsoidal body. Support for this limitation is illustrated in Figures 17, 19B, 20A and 20B, and in the Specification at Page 4, line 11 to Page 6, line 23, Page 13, line 16 to Page 14, line 2, Page 23, lines 9-29, Page 34, line 20 to Page 35, line 2, and original claim 22. Applicant submits that this limitation is fully supported by the originally filed Specification.

**E. Claim 23**

Claim 23 was amended to include the limitation that the “outer perimeter” of the at least one expandable component includes at least one tapered edge in an expanded state. Support for this limitation is illustrated in Figures 17, 19B, 20A and 20B, and in the Specification at Page 4, line 11 to Page 6, line 23, Page 13, line 16 to Page 14, line 2, Page 23, lines 9-29, Page 34, line 20 to Page 35, line 2, and original claim 23. Applicant submits that this limitation is fully supported by the originally filed Specification.

**F. Claims 78 and 80**

The new limitations added to claims 78 and 80 have already been addressed above with regard to the claims discussed above.

**G. Claims 84-99**

New claims 84-99 include three independent claims 84, 93 and 98. One or more of the limitations in claim 1 and 2 discussed above are in claim 84 except for the limitations 1) a single expandable component, 2) the stabilizer is positioned about a central axis of the substantially spherical or ellipsoidal body, and 3) the stabilizer is substantially disc shape. Support for these additional limitations are illustrated in Figures 1, 2 and 13-17, in the Specification at Page 4, line 11 to Page 6, line 23, Page 13, line 16 to Page 14, line 2, Page 23, lines 9 to Page 35, line 2, and original claims 7 and 8. Applicant submits that limitations in claim 84 are fully supported by the originally filed Specification.

One or more of the limitations in claim 1 and 2 discussed above are in new claim 93 except for the limitations 1) a single expandable component, 2) the stabilizer is positioned about a central

axis of the substantially spherical or ellipsoidal body, 3) the stabilizer is substantially disc shaped, and 4) the single expandable component in an expanded state expanding from an outer surface of said spherical or ellipsoidal body a distance of 0.01%-300% a diameter of said spherical or ellipsoidal body. Support for these additional limitations are illustrated in Figures 1, 2 and 13-17, in the Specification at Page 4, line 11 to Page 6, line 23, Page 13, line 16 to Page 14, line 2, Page 23, lines 9 to Page 35, line 2, and original claims 7, 8, 14 and 59. Applicant submits that limitations in claim 93 are fully supported by the originally filed Specification.

One or more of the limitations in claim 1 and 2 discussed above are in new claim 98 except for the limitations 1) a single expandable component, 2) the single stabilizer is positioned about a central axis of the substantially spherical or ellipsoidal body, 3) the single stabilizer is substantially disc shaped, and 4) the stabilizer has a radial width that is substantially constant. Support for these additional limitations are illustrated in Figures 1, 2 and 13-17, in the Specification at Page 4, line 11 to Page 6, line 23, Page 13, line 16 to Page 14, line 2, Page 23, lines 9 to Page 35, line 2, and original claims 7, 8, 15 and 60. Applicant submits that limitations in claim 98 are fully supported by the originally filed Specification.

Finally, Applicant submits that the limitations in new claims 85-92 and claims 94-99 are illustrated in Figures 1, 2 and 13-17, and disclosed in the Specification at Page 4, line 11 to Page 6, line 23, Page 13, line 16 to Page 14, line 2, Page 23, lines 9 to Page 35, line 2, and original claims 14, 15, 16, 18, 19, 24, 59, 60, 61, 63, 64, 65 and 66. Applicant submits that limitations in 85-92 and claims 94-99 are fully supported by the originally filed Specification.

Applicant submits that none of the pending claims are anticipated or made obvious by the teachings of the cited art of record.

Respectfully submitted,

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